

मुख्य आयुक्त का कार्यालय OFFICE OF THE CHIEF COMMISSIONER

केन्द्रीय उत्पाद शुल्क, सीमा शुल्क एवं सेवाकर, वडोदरा क्षेत्र

CENTRAL EXCISE, CUSTOMS & SERVICE TAX, VADODARA ZONE
द्वितीय तल, केन्द्रीय उत्पाद शुल्क भवन, रेसकोर्स सर्कल,वडोदरा-390 007 (गुजरात)

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CENTRALIZED TRADE NOTICE NO. 04/2016

Sub: Imposition of Central Excise duty on jewellery- Guidelines and Procedures.

The board has issued Circulars No. 1040/28/2016-CX dated 26th July, 2016, 1041/29/2016-CX dated 26th July, 2016, 1042/30/2016-CX dated 26th July, 2016, 1043/31/2016-CX dated 26th July, 2016, 1044/32/2016-CX dated 26th July, 2016 & 1045/33/2016-CX dated 26th July, 2016 issued from file No. 354/25/2016-TRU(Pt-I) regarding Clarifications, Guidelines & General Procedures with reference to imposition of Central Excise duty on jewellery.

The copy of the same is available on the official website of the board and can be accessed at URL- http://www.cbec.gov.in/resources//htdocs-cbec/excise/cx-circulars/cx-circulars-2016/circ1040-2016 cx-signed.pdf, circ1041-2016 cx-signed.pdf and circ1042-2016 cx-signed.pdf.

All Trade Associations /Chambers of Commerce and Members of Regional Advisory Committees are requested to publish the contents of the Circular and this Trade Notice among their Members Constituents.

[S.K.Singh]
Joint Commissioner (CCO)

F.No. IV/16-11/CCO/T/CE/2016

Copy forwarded to:

1. As per mailing list for Trade and Department

Date: 28.07.2016

F. No. 354/25/2016 – TRU (Pt.-I)

Government of India

Ministry of Finance
(Department of Revenue)

Tax Research Unit

New Delhi, the 26th July. 2016

To,

Principal Chief Commissioners / Chief Commissioners of Central Excise (All); Principal Chief Commissioners / Chief Commissioners of Customs & Central Excise (All): All Director Generals of Customs, Central Excise & Service Tax

Madam Su.

Christian on computation of exemption and eligibility and exemption limits and other related issues for small scale industries [SSI] exemption under No. 22003-CE dated 1st March 2003 in respect manufacturer or principal manufacturer of articles of jewellery or parts of articles of jewellery or both -regarding.

In this year's Budget, central excise duty of 1% without input and capital goods tax credit or 12.5% with credit was imposed on articles of jewellery falling under heading 7113 of the First Schedule to the Central Excise Tariff 1985. Subsequent to that, the Government had set up a Sub-Committee of the High Level Committee, headed by Dr. Ashok Lahiri to interact with Trade & Industry on issues relating to procedure and compliance relating to excise duty of articles of jewellery. The Sub-Committee has given its report on 23.06.2016, which has been accepted by the Government.

In the context of computation of exemption and eligibility and exemption limits and other related issues for small scale industries [SSI] exemption under Notification no. 8/2003-CE dated 1st March 2003 and other SSI issues, relating to manufacturers/principal manufacturers of articles of jewellery or parts of articles of jewellery or both, falling under active the Contract Excise Tariff Act [hereinafter referred to as articles of jewellery] the Sto Commune has made certain recommendations, which have been accepted by the Government Accordingly, notwithstanding anything to the contrary provided in any other circular instructions, in respect of SSI exemption for manufacturers or principal manufacturers of articles of jewellery the following may be followed scrumptiously.

- i. Computation of Eligibility and Exemption limits for SSI exemption [Notification no. 8/2003-CE dated 1st March 2003] is to be done individually for each manufacturer or principal manufacturer, irrespective of the number of job workers employed by such manufacturer or principal manufacturer or the number of premises from which his job workers operate.
- ii. For computation of Eligibility and Exemption limits for SSI exemption the value of articles of jewellery exported [except those exported to Bhutan] will not be counted.
- iii. Similarly, for computation of Eligibility and Exemption limits for SSI exemption the value of traded articles of jewellery [on which appropriate excise duty, including nil duty, has already been paid] will not be included.
- respect to a sellery manufactured out of jewellery or precious stones could be retail customer, only the value addition [sum of cost of labour charges/making charges charged by the manufacturer] shall be taken into consideration for
- v. Multiple manufacturers or principal manufacturers, operating from the same premises and individually registered under State VAT on or before February 29, 2016, may be allowed separate central excise registrations. However, in such cases the value of clearances of all such manufacturers or principal manufacturers shall be clubbed together for determining the eligibility/exemption limits for the purposes of the small scale industries [SSI] excise duty exemption. Thus, if the clubbed together aggregate value of clearances of all such manufacturers or principal manufacturers during the preceding year is more than Rs. 15 crore then none of such manufacturers or principal manufacturers will be eligible for SSI exemption. Similarly, as and when the clubbed together aggregate value of clearances of such manufacturers or principal manufacturers in a financial year crosses Rs. 10 crore, all such manufacturers or principal manufacturers will be liable to pay excise duty on their clearances thereafter.

Trade Notice/Public Notice may be issued on the above

4. Difficulties faced, if any, in implementation of this Circular may be brought to the notice of the Board.

(Anurag Sehgal)

Under Secretary to the Government of India

F. No. 354/25/2016 – TRU (Pt.-I) Government of India Ministry of Finance (Department of Revenue) Tax Research Unit

New Delhi, the 26th July, 2016

To.

Principal Chief Commissioners / Chief Commissioners of Central Excise (All);
Principal Chief Commissioners / Chief Commissioners of Customs & Central Excise (All);
All Director Generals of Customs, Central Excise & Service Tax

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Subject Guidelies for Excise Andit of Manufacturers / Principal Manufacturers of articles of jewellery - regarding.

credit or 12.5% with credit was imposed on articles of jewellery falling under heading 7113 of the First Schedule to the Central Excise Tariff 1985. Subsequent to that, the Government had set up a Sub-Committee of the High Level Committee, headed by Dr. Ashok Lahiri to interact with Trade & Industry on issues relating to procedure and compliance relating to excise duty of articles of jewellery. The Sub-Committee has given its report on 23.06.2016, which has been accepted by the Government.

- 2. In the context of Excise Audit of manufacturers/principal manufacturers of articles of jewellery or parts of articles of jewellery or both, falling under heading 7113 of the Central Excise Tariff Act [hereinafter referred to as articles of jewellery] the Sub-Committee has made certain recommendations, which have been accepted by the Government. Accordingly, notwithstanding anything to the contrary provided in any other circular/instructions, the following guidelines for conduct of excise audit of manufacturers/principal manufacturers of parts of articles of jewellery, falling under heading 7113 may be
 - No core and out for the first two years for manufacturers/principal manufacturers of anches of jewellery whose duty payment (cash plus credit) is less than Rs. I crore. However, after expiry of first two year period,
 - a) Manufacturers/principal manufacturers of articles of jewellery paying duty below Rs. 50 lakh [cash plus credit], the proportion of units to be audited every year shall not exceed 5 per cent of total number of registered manufacturers/principal manufacturers of articles of jewellery, and selection of

- such assessees shall be done with the approval of Commissioner or an equivalent rank officer.
- b) Manufacturers/principal manufacturers of articles of jewellery whose duty payment (cash plus credit) is more than Rs. 50 lakh and less than Rs. 1 crore may be audited once in every five years;
- ii. Manufacturers/principal manufacturers of articles of jewellery whose duty payment (cash plus credit) is more than Rs. 1 crore and less than Rs. 3 crore may be audited once in every two years;
- iii. Manufacturers/principal manufacturers of articles of jewellery whose duty payment (cash plus credit) is above Rs. 3 crore may be audited every year.
- iv Excise audit of manufacturers/principal manufacturers of articles of jewellery will be desk audit that is audit done in the office of jurisdictional central excise audit commissionerate. Moreover, such audit will under no circumstances involve any restriction of stocks in the premises.
- The state and the issued and adjudicated by an officer of the rank
- 3. Except as herein provided, all existing circulars/instructions relating to central excise audit may also apply mutatis mutandis to the manufacturers/principal manufacturers of articles of jewellery or parts of articles of jewellery, as the case may be.
- 4. Hindi version will follow. Trade Notice/Public Notice may be issued on the above lines.

5. Difficulties faced, if any, in implementation of this Circular may be brought to the notice of the Board.

(Antilag Sehgal)
Under Secretary to the Government of India

F. No. 354/25/2016 – TRU (Pt.-I)

Government of India

Ministry of Finance
(Department of Revenue)

Tax Research Unit

New Delhi, the 26th July, 2016

To,

Market San

Subject: Export related procedural simplifications - excise duty on articles of jewellery falling under heading 7113 - regarding

In this year's Budget, central excise duty of 1% without input and capital goods (ax credit or 12.5% with credit was imposed on articles of jewellery falling under heading 7113 of the First Schedule to the Central Excise Tariff 1985. Subsequent to that, the Government had set up a Sub-Committee of the High Level Committee, headed by Dr. Ashok Lahiri to interact with Trade & Industry on issues relating to procedure and compliance relating to excise duty of articles of jewellery. The Sub-Committee has given its report on 23.06.2016, which has been accepted by the Government.

- In this context, pending finalisation of the procedure for exports, in consultations with the Department of Commerce and trade and industry, -
- The state of the second control excise registration by a manufacturer of principal that the second control excise registration by a manufacturer of principal that the second control of pewellery manufactured by him on job work basis, subject to the following controls but
 - 2) the manufacturer or principal manufacturer or a jeweller, as the case may be, gives a bank guarantee for excise duty payable of articles of jewellery [over and above the bank guarantee for customs duty on gold and VAT payable on articles of jewellery] with the nominated agency/authorised bank;

- b) in case of default in fulfilment of **the exp**ort obligation, the manufacturer or principal manufacturer or a jeweller, as the case may be, shall take central excise registration;
- be, shall pay the excise duty on the articles of jewellery sold to the domestic buyers on first sale basis or the nominated agency/bank shall release bank guarantee equal to excise duty payable on the articles of jewellery [provided the customs duty on gold content in the jewellery and VAT payable on such articles of jewellery has been paid by the manufacturer or principal manufacturer or a jeweller or bank guarantee equivalent to that has been released by the nominated agency / authorised bank]; and
- in case there are no sales to domestic tariff area for subsequent return cycles, such unit will file mi return for such return cycles

2016. on self-declaration and submission of Letter of the circular no.

11 15 2016. on self-declaration and submission of Letter of the need to get such LUT ratified by the till the detailed procedures in this regard are put in

- 3. Hindi version will follow. Trade Notice Public Notice may be issued on the above lines.
- 4. Difficulties faced, if any, in implementation of this Circular may be brought to the notice of the Board.

(Anurag Schgal)
Under Secretary to the Government of India

F. No. 354/25/2016 - TRU (Pt.-I) Government of India Ministry of France (Department of Revenue) Tax Research Unit

New Delhi, the 26th July, 2016

To.

Principal Chief Commissioners / Chief Commissioners of Central Excise (All);
Principal Chief Commissioners / Chief Commissioners of Customs & Central Excise (All);
All Director Generals of Customs, Central Excise & Service Tax

MACE ST

General procedures regarding excise duty on articles of jewellery or parts of

In this year's Budget, central excise duty of 1% without input and capital goods tax credit or 12.5% with credit was imposed on articles of jewellery falling under heading 7113 of the First Schedule to the Central Excise Tariff 1985. Subsequent to that, the Government had set up a Sub-Committee of the High Level Committee, headed by Dr. Ashok Lahiri to interact with Trade & Industry on issues relating to procedure and compliance relating to excise duty of articles of jewellery. The Sub-Committee has given its report on 23.06.2016, which has been accepted by the Government.

- 2. In the above context, for manufacturers/principal manufacturers of articles of jewellery or parts of articles of jewellery or both, falling under heading 7113 of the Central Excise Tariff Act [hereinafter referred to as articles of jewellery], the Sub-Committee has made certain recommendations, which have been accepted by the Government and accordingly, it is hereby clarified that:
 - A manufacturer or principal manufacturer of articles of jewellery may also do reding of articles of jewellery from his central excise registered premises.
 - E For a persolar [above the SSI excise duty exemption limit]:
 - nate to be paid to the Government; and
 - (b) in case his sale invoices do not show separately the excise duty, the value for VAT will be treated as cum excise duty value [that is value for excise duty plus excise duty] and duty payable will have to be determined accordingly.

- iii. No excise duty will be payable on the site of traded articles of jewellery [on which appropriate excise duty, including nil including nil already been paid].
- iv. Records maintained for State VAT met other private records, showing details of inputs, stocks, manufactured goods, sold/exported goods, etc., as per the scheme opted by the jewellery manufacturer [Reference 12 of the Articles of Jewellery (Collection of Duty) Rules, 2016], will suffice for central excise purposes also.
- v. For articles of jewellery manufactured on job work basis, the procedure as prescribed in the Articles of Jewellery (Collection of Duty) Rules, 2016 is to be followed. Accordingly, the procedure prescribed for job work under notification No. 214/86-CE will not be applicable on manufacture of articles of jewellery on job work basis.
- Repairs and alterations, which do not change the identity, character and use of the goods and do not result in a new item, is not "manufacturing" and will not attract carse cars.

3 Two Notice Public Notice may be issued on the above

4. Difficulties faced, if any, in implementation of this Circular may be brought to the notice of the Board.

(Anurag Sehgal)
Under Secretary to the Government of India

F. No. 354/25/2016 - TRU (Pt.-II)

Government of India

Ministry of Finance
(Department of Revenue)

Tax Research Unit

New Delhi, the 26th July, 2016

To,

Principal Chief Commissioners / Chief Commissioners of Central Excise (All);
Principal Chief Commissioners / Chief Commissioners of Customs & Central Excise (All);
All Director Generals of Customs, Central Excise & Service Tax

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Could fines for issue of summons, visits, search, seizure, arrest and prosecution or principal manufacturers of articles of jewellery or parts of the country of both-regarding

In this year's Budget, central excise duty of 1% without input and capital goods tax credit or 12.5% with credit was imposed on articles of jewellery falling under heading 7113 of the First Schedule to the Central Excise Tariff 1985. Subsequent to that, the Government had set up a Sub-Committee of the High Level Committee, headed by Dr. Ashok Lahiri to interact with Trade & Industry on issues relating to procedure and compliance relating to excise duty of articles of jewellery. The Sub-Committee has given its report on 23.06.2016, which has been accepted by the Government.

- In the context of visits, issue of summons, search, seizure, arrest and prosecution in respect of manufacturers or principal manufacturers of articles of jewellery or parts of articles of jewellery or both, falling under heading 7113 of the Central Excise Tariff Act [hereinafter referred to as articles of jewellery] the Sub-Committee has made certain recommendations, which have been accepted by the Government. Accordingly, notwithstanding anything to the provided in any other circular/instructions, the following guidelines for such actions are provided in any other circular/instructions, the following guidelines for such actions are provided in any other circular/instructions of articles of jewellery may be followed.
 - be carried out by the excise officials for checking
 - Visits, search of the premises of a manufacturer or principal manufacturer of articles of jewellery, issue of summons, seizure, arrest and prosecution may be initiated only when there is a clear reason to believe that there is an act of evasion, formed at the level of Commissioner or an equivalent rank officer.

- Visits, search of the premises of a seturer or principal manufacturer of articles of jewellery, issue of summers. Seture, arrest and prosecution shall not be undertaken for.
 - a) issues relating to procedure or construct related matters;
 - b) issues related to documents such as arvoices, registers; or
 - c) issues related to pure matters of legal interpretation.
- Instances where visits, search of the premises of a manufacturer or principal manufacturer of articles of jewellery, issue of summons, seizure, arrest and prosecution may be undertaken,
 - a) where excise.duty is collected but not deposited with the Government: or
 - b) where there is information to the satisfaction of an officer of the level of Commissioner or equivalent that there has been a substantial evasion of duty.
 - Even if such actions are to be taken, the administration must ensure that it does not result in an unjustified targeting of certain persons. The administration must ensure that visit or search, when justifiably taken, must not be taken against taken only in respect of a manufacturer or a end should not result in any disruption of business at the process of residence of such manufacturer or principal
 - Summons in respect of evasion of excise duty on articles of jewellery may be issued only with the approval Commissioner or an equivalent rank officer.
- vii. No visit to the premises of manufacturer of principal manufacturer shall be carried out except on the basis of specific intelligence and with the approval Commissioner or an equivalent rank officer.
- viii. In case of seizure, the seized goods must be given back immediately to the manufacturer or principal manufacturer under supratnama. Further, provisional release of the seized goods shall be given within three working days from the date of request seeking provisional release. The amount of security sought for such provisional release should be equal to the duty payable on the seized goods and not their value.
 - No visit, search and seizure may be resorted to in cases where the expected evasion of duty is less than Rs. 75 lakh. In such cases, the investigation of the case may be done <u>under summons</u>.
 - and to in cases where the duty evaded is less than Rs. 2
- 5. Except as herein provided, all existing circulars/instructions relating to issue of summons, visit or search, arrest and prosecution, in central excise, shall apply mutatis

mutandis to the manufacturers/principal manufacturers of articles of jewellery or parts of articles of jewellery, as the case may be, falling under heading 7113 of the Central Excise tariff Act.

Hindi version will follow. Trade Notice/Public Notice may be issued on the above

Differences faced if any, in implementation of this Circular may be brought to the

(Anurag Schgal)
Under Secretary to the Government of India

F. No. 354/25/2016 - TRU (Pt.-I)
Government of India
Ministry of Finance
(Department of Revenue)
Tax Research Unit

New Delhi, the 26th July, 2016

To.

Principal Chief Commissioners / Chief Commissioners of Central Excise (All);
Principal Chief Commissioners / Chief Commissioners of Customs & Central Excise (All);
All Director Generals of Customs, Central Excise & Service Tax

Madam / Sir.

Subject: Taxability of stock on February 29, 2016 - Excise duty imposition on articles of jewellery in the Budget 2016-17 - regarding

In this year's Budget, central excise duty of 1% without input and capital goods tax credit or 12.5% with credit was imposed on articles of jewellery falling under heading 7113 of the First Schedule to the Central Excise Tariff 1985. Subsequent to that the Government had set up a Sub-Committee of the High Level Committee, headed by Dr. Ashok Lahiri to interact with Trade & Industry on issues relating to procedure and compliance relating to excise duty of articles of jewellery. The Sub-Committee has given its report on 23.06.2016, which has been accepted by the Government.

- 2. The Sub-Committee in its report has examined in detail excise duty liability on stock on 29th February, 2016 and has given its recommendations on the issue. Accordingly, it is hereby clarified that:
 - All jewellery manufactured and removed, on or before February 29, 2016, from the traces of the job workers or any other premises where such articles of jewellery
 - (including branches) of the principal manufacturer, or
 - (b) sent on approval to potential customers,
 - will not be liable to excise duty. Furthermore, no stock declaration is required to be filed by a jeweller for this purpose with the jurisdictional central excise authorities.
 - ii. For the stock lying, as on February 29, 2016, with the job worker or any other premises where articles of jewellery were manufactured [including finished articles of

jewellery as well as work in progress], the manufacturer or principal manufacturer, as the case may be, shall self-assess excise duty liability on such articles of jewellery articles of jewellery manufactured out of such work in progress, received on and after 1st March, 2016, at the point of first sale of such articles of jewellery as per the Articles of Jewellery (Collection of Duty) Rules, 2016.

- 3. Hindi version will follow. Trade Notice/Public Notice may be issued on the above
- 4. Difficulties faced if any in implementation of this Circular may be brought to the notice of the Board.

(Anurag Sehgal)
Under Secretary to the Government of India

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		m of Ric 8, 00,000-(Rup	
2	Shri Pravin A Palel, Past President	Federation of Small Scale Industries , 210- 212, Palace Plaza, 2nd Floor, Lalbaug Road, Nr.Kashivishwanath Temple, Vadodara- 390001 (0265-2433930), fax.0265-2438419	
3	Shri Nilesh J Shukla	VCCI Commercial Complex, 73 GIDC Makarpura, Vadodara- 390010, 0265-264 2291, 2636969)	
4	Shri Mitra Saurav,	Finance Department, New Administration Building, Gujarat Refinery, Indian Oil Corporation Ltd. At & Po. Jawahar Nagar,Vadodara-391320 - 0265-2237204	
5	Shri Janak Sheth	Fedration of Gujarat Industries, FGI Business Centre, Gotri - Sevasi Road, Khanpur, Near Sevasi, Vadodara - 391 101, ph. 0265-2372901-02, FAX. 0265-2372904	
6	Shri Chandrakant Shantilal Jariwala, President	Samruddhi, Makkai Pool., Nanpur, Surat - 3950014 0261-3917777	
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8	Shri Rakesh Chaudhary, Executive Director	Association, Block No. 492 N.H. 8, Palsana- 394315, Dist. Surat (02622- 265146/64,9824752455	
9	Shri Sunil Ijari	Office No. 8, Danudyog Shopping Centre, Opp, Hirvavan Garden, Piparia, Silvassa- 396 230 (UT of Dadara & Nagar Haveli) Ph. 0260-2640504	
10	Shri Ajeet Udavirsingh Yadav	10, 1st floor, Dan Udyog Shopping Centre Opp. Piparia Garden, Piparia, Silvassa- 396230, Dadra & Nagar Havelli(U.T.)	
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16	Shri S.S.Rathi, Nathonal President	Federation of Assocations of Small Industries of India,123, Vitthal Udyognagar, Vallabh Vidhyanagar-388121, Anand(Gujarat) (Tel-02692-233125,	

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